

AMENDED IN SENATE AUGUST 29, 2012

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE JULY 6, 2012

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

AMENDED IN ASSEMBLY APRIL 5, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 491

Introduced by Assembly Member Ma
(Coauthors: Assembly Members Garrick and Miller)
(Coauthor: Senator Wyland)

February 15, 2011

An act to amend Section 1255 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 491, as amended, Ma. General acute care hospitals: cardiac catheterization.

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, administered by the State Department of Public Health. A violation of these provisions is a crime.

Existing law authorizes the department to approve, as prescribed, a general acute care hospital to offer specified special services, including,

but not limited to, cardiac catheterization laboratory services, in addition to the basic services offered under the facility's license.

This bill would authorize the expansion of a cardiac catheterization laboratory service under specified circumstances. Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1255 of the Health and Safety Code is
2 amended to read:

3 1255. (a) In addition to the basic services offered under the
4 license, a general acute care hospital may be approved in
5 accordance with subdivision (c) of Section 1277 to offer special
6 services, including, but not limited to, the following:

- 7 (1) Radiation therapy department.
- 8 (2) Burn center.
- 9 (3) Emergency center.
- 10 (4) Hemodialysis center (or unit).
- 11 (5) Psychiatric.
- 12 (6) Intensive care newborn nursery.
- 13 (7) Cardiac surgery.
- 14 (8) Cardiac catheterization laboratory.
- 15 (9) Renal transplant.
- 16 (10) Other special services as the department may prescribe by
17 regulation.

18 (b) A general acute care hospital that exclusively provides acute
19 medical rehabilitation center services may be approved in
20 accordance with subdivision (b) of Section 1277 to offer special
21 services not requiring surgical facilities.

1 (c) The department shall adopt standards for special services
2 and other regulations as may be necessary to implement this
3 section.

4 (d) (1) For cardiac catheterization laboratory service, the
5 department shall, at a minimum, adopt standards and regulations
6 that specify that only diagnostic services, and what diagnostic
7 services, may be offered by a general acute care hospital or a
8 multispecialty clinic as defined in subdivision (l) of Section 1206
9 that is approved to provide cardiac catheterization laboratory
10 service but is not also approved to provide cardiac surgery service,
11 together with the conditions under which the cardiac catheterization
12 laboratory service may be offered.

13 (2) ~~A—Except as provided in paragraph (3), a cardiac~~
14 ~~catheterization laboratory service of shall be located in a general~~
15 ~~acute care hospital—shall be that is either licensed to perform~~
16 ~~cardiovascular procedures requiring extracorporeal coronary artery~~
17 ~~bypass—and meet that meets all of the applicable licensing~~
18 ~~requirements relating to staff, equipment, and space for service,~~
19 ~~or shall, at a minimum, have a licensed intensive care service and~~
20 ~~coronary care service and maintain a written agreement for the~~
21 ~~transfer of patients to a general acute care hospital that is licensed~~
22 ~~for cardiac surgery or shall be located in a multispecialty clinic as~~
23 ~~defined in subdivision (l) of Section 1206. The transfer agreement~~
24 ~~shall include protocols that will minimize the need for duplicative~~
25 ~~cardiac catheterizations at the hospital in which the cardiac surgery~~
26 ~~is to be performed.~~

27 (3) Commencing March 1, 2013, cardiac catheterization
28 laboratory services may be expanded by a general acute care
29 hospital to include cardiac catheterization space that is in
30 conformance with applicable building code standards, including
31 those promulgated by the Office of Statewide Health Planning and
32 Development, provided that all of the following occur:

33 (A) The expanded laboratory space is located in the building
34 so that the space is connected by an enclosed all-weather
35 passageway that is accessible by staff and patients who are
36 accompanied by staff.

37 (B) The service performs no more than 25 percent of its
38 procedures on hospital inpatients.

39 (C) The service complies with all policies and procedures
40 approved by hospital medical staff, and all standards and

1 regulations prescribed by the department, including, but not limited
2 to, applicable nurse-to-patient ratios under Section ~~1276.5~~ 1276.4,
3 and with all standards and regulations prescribed by the Office of
4 Statewide Health Planning and Development. Emergency
5 regulations allowing a general acute care hospital to operate a
6 cardiac catheterization laboratory service shall be adopted by the
7 department and by the Office of Statewide Health Planning and
8 Development by February 28, 2013.

9 (4) Notwithstanding Section 129885, cardiac catheterization
10 laboratory services expanded in accordance with ~~this section~~
11 *paragraph (3)* shall be subject to all applicable building standards.
12 The Office of Statewide Health Planning and Development shall
13 review the services for compliance with the OSHPD 3 requirements
14 of the most recent version of the California Building Standards
15 Code.

16 (e) For purposes of this section, “multispecialty clinic,” as
17 defined in subdivision (l) of Section 1206, includes an entity in
18 which the multispecialty clinic holds at least a 50-percent general
19 partner interest and maintains responsibility for the management
20 of the service, if all of the following requirements are met:

21 (1) The multispecialty clinic existed as of March 1, 1983.

22 (2) Prior to March 1, 1985, the multispecialty clinic did not
23 offer cardiac catheterization services, dynamic multiplane imaging,
24 or other types of coronary or similar angiography.

25 (3) The multispecialty clinic creates only one entity that operates
26 its service at one site.

27 (4) These entities shall have the equipment and procedures
28 necessary for the stabilization of patients in emergency situations
29 prior to transfer and patient transfer arrangements in emergency
30 situations that shall be in accordance with the standards established
31 by the Emergency Medical Services Authority, including the
32 availability of comprehensive care and the qualifications of any
33 general acute care hospital expected to provide emergency
34 treatment.

35 (f) Except as provided in this section and in Sections 128525
36 and 128530, under no circumstances shall cardiac catheterizations
37 be performed outside of a general acute care hospital or a
38 multispecialty clinic, as defined in subdivision (l) of Section 1206,
39 that qualifies for this definition as of March 1, 1983.

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

10 SEC. 3. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:

14 In order to improve access to health care for patients requiring
15 cardiac catheterization services at the earliest possible time, it is
16 necessary that this act take effect immediately.